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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,727	12/08/2000	Kenneth F. Carpenter	UV-177	2492
75563 7590 10/24/2008 ROPES & GRAY LLP PATENT DOCKETING 39/361 1211 AVENUE OF THE AMERICAS NEW YORK, NY 10036-8704				
EXAMINER				
HUYNH, SON P				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/733,727

Applicant(s)

CARPENTER ET AL.

Examiner

SON P. HUYNH

Art Unit

2424

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 55, 57, 58, 60, 61 and 63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 55, 57, 58, 60, 61 and 63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 55, 57-58, 60-61, 63 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues applicant's claimed invention requires no user instruction to add a resource to the history list... if an accessed resource is not deemed to be a most frequently used resource, it would not be included in the favorites list... (pages 9-11).

This argument is respectfully traversed. It is noted that the claims do not recite "requires no user instruction to add a resource to the history list", but instead, the claim recites "...in response to the first indication causes the program guide display to be included in the history list..."

In addition, the claims neither recite-- storing all information not storing only most frequently used resource.

The claims 55, 57-58, 60-61, 63 are rejected as follow.

Claims 1-54, 56, 59, 62 have been canceled.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 55, 57-58, 60-61, 63 are rejected under 35 U.S.C. 102(e) as being anticipated by Schneidewend et al. (US 6,182,287).

Regarding claim 55, Schneidewend discloses a method for providing a history feature in an interactive television program guide (providing favorite feature based on user previously selections in an interactive television program guide – see include, but are not limited to, figures 3-8), wherein the interactive television program guide is implemented at least in part on user television equipment (interactive program guide is implemented at least in part on user receiver (figures 2-4), comprising:

displaying an interactive television program guide comprising a plurality of resources including at least a program guide display having data from a program guide database and a web site from the Internet (see include, but are not limited to, figures 2-3, col. 4, line 55-col. 6, line 46, wherein the database is interpreted as database that

stores program guide display including program title, channel, etc. and website from internet is read on the Web PG or web site associated with INET);

receiving a first indication to access the program guide display having data from the program guide database (receiving indication of selection a most frequently used title/channel to watch/record to record or receiving information to add a program/channel, etc. into favorite list - see include, but are not limited to, figures 3-4, col. 4, lines 55-65, col. 5, line 63-col. 6, line 55, col. 8, lines 20-39);

receiving a second indication to access the web site from the Internet (receiving indication of selection a most frequently website or receiving information to add a website into favorite list - see include, but are not limited to, figures 3-4, col. 4, lines 55-65, col. 5, line 63-col. 6, line 55, col. 8, lines 20-39);

receiving a third indication to access a resource other than the accessed program guide display or the accessed web site (receiving indication of selection a most frequently source such as local server, dvd, dial, etc. or receiving information to add a source such as DVD, local server, or phone, etc. into favorite list - see include, but are not limited to, figures 3-4, col. 4, lines 55-65, col. 5, line 63-col. 6, line 55, col. 8, lines 20-39);

in response to receiving a fourth indication (e.g., in response to receiving indication to display a favorite list - figures 3-4), providing a history list of the plurality of resources that includes (i) the program guide display having data from the program guide database, wherein accessing the program guide display in response to the first indication causes the program guide display to be included in the history list (in

response to first indication of accessing/adding the program title/channel cause the program title/channel (e.g., item 2) to be included in the favorite list – see figures 3-8 and discussed above), (ii) the web site from the Internet (e.g., items 7,9), wherein accessing the web site in response to the second indication cause the web site to be included in the history list (see figures 3-4 and discussed above), and (iii) the resource (e.g., item 10, item 5) other than the accessed program guide display or the accessed web site, wherein accessing the resource in response to the third indication causes the resource to be included in the history list (see figures 3-4 and discussed above);

allowing a user to select in any order resource from the history list (see include, but are not limited to, col. 5, lines 2-8, figures 3-4); and

in response to the user selecting a resource, providing the resource (in response to user selecting a resource such as a channel, DVD, local source, or web site, etc., providing the resource - see include, but are not limited to, figures 3-8, col. 6, line 47-col. 7, line 7).

Regarding claim 57, Schneidewend discloses the method as discussed in the rejection of claim 55. Schneidewend further discloses receiving the first and second indications comprises receiving the indications from a supported application or a user input device (receiving user selection to access sources or to add sources into favorite list using user input device - see include, but are not limited to, figures 2, 6, col. 3, line 61-col. 4, line 8, col. 4, lines 55-67, col. 7, lines 7-24).

Regarding claims 58 and 60, the limitations of interactive television program guide system correspond to the limitations of the method of claims 55 and 57, and are analyzed as discussed with respect to the rejection of claims 55 and 57, wherein "means for displaying" is read on the television screen or user interface, "means for receiving" is interpreted as user input receiver for receiving user selection; "means for providing..." is interpreted as decoder and/or processor and/or display for displaying favorite list (see include, but are not limited to, figures 2-4).

Regarding claims 61 and 63, the limitations of interactive program guide system that correspond to the limitations of the method claims 55 and 57 are analyzed as discussed in the rejection of claims 55 and 57.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jerding (US 6,463,586 B1) discloses service navigation system and methods.

Fries (US 6,317,885 B1) discloses interactive entertainment and information system using television set top box.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SON P. HUYNH whose telephone number is (571)272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Son P Huynh/
Primary Examiner, Art Unit 2424

October 20, 2008